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**Datasheet for the decision  
of 3 March 2017**

**Case Number:** T 1550/12 - 3.5.03

**Application Number:** 06814577.0

**Publication Number:** 1934766

**IPC:** H04M1/725

**Language of the proceedings:** EN

**Title of invention:**

METHODS AND SYSTEMS FOR PROVIDING HAPTIC MESSAGING TO HANDHELD  
COMMUNICATION DEVICES

**Applicant:**

Immersion Corporation

**Headword:**

Haptic messaging/IMMERSION

**Relevant legal provisions:**

EPC Art. 84, 123(2)  
EPC R. 103

**Keyword:**

Claims - clarity (no)  
Amendments - allowable (no)  
Reimbursement of appeal fee (no)



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Case Number: T 1550/12 - 3.5.03

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.03**  
**of 3 March 2017**

**Appellant:** Immersion Corporation  
(Applicant) 50 Rio Robles  
San Jose, CA 95134 (US)

**Representative:** Ilgart, Jean-Christophe  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 6 February 2012  
refusing European patent application  
No. 06814577.0 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** F. van der Voort  
**Members:** B. Noll  
S. Fernández de Córdoba

## **Summary of Facts and Submissions**

I. This appeal is against the decision of the examining division refusing European patent application No. 06814577.0 (international publication No. WO 2007/033245 A2) on the ground that the subject-matter of claim 1 of a main request lacked inventive step (Articles 52(1) and 56 EPC). Further, an auxiliary request was not admitted for the reason that claim 1 had been amended in such a way that it did not comply with Rule 137(5) EPC.

II. In the notice of appeal, the appellant requested inter alia "that the appeal fee be reimbursed under Rule 103-1-a and 2 EPC". Further, oral proceedings were conditionally requested.

In the statement of grounds of appeal, the appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 to 6 filed as the "main request" with a letter dated 22 December 2011 or, in the alternative, on the basis of claims 1 to 6 of a first auxiliary request filed with the statement of grounds of appeal or claims 1 to 33 of a second auxiliary request filed as the "auxiliary request" with the letter dated 22 December 2011.

III. In a communication accompanying a summons to oral proceedings, the board inter alia raised a clarity objection (Article 84 EPC) in respect of claims 1 of the main request and the first auxiliary request. The board further gave a preliminary opinion on inventive step, on the compliance of claim 1 of the second auxiliary request with Rule 137(5) EPC, and on the request for reimbursement of the appeal fee. It was

further noted that in respect of claim 1 of the second auxiliary request it could be necessary to discuss compliance with Article 123(2) EPC, in particular in respect of the combination of the features when considering the "and" option in the "and/or" conjunction.

- IV. With a letter sent by fax on 16 February 2017, the appellant informed the board that it would not be attending the oral proceedings.
- V. Oral proceedings were held on 3 March 2017 in the absence of the appellant.
- VI. At the end of the oral proceedings the board's decision was announced.
- VII. Claim 1 of the main request reads as follows:

"A method for mapping between an event of interest and a corresponding haptic effect, comprising:

providing (240) a plurality of pre-programmed haptic effects to a user;

characterized in that the method further comprises:

allowing (250) a user to associate one or more haptic effects with one or more events of interest, wherein the one or more events of interest is a connection event including a sending of an outgoing e-mail, a sending of an outgoing SMS message, a push-to-talk ready alert, a push-to-talk receiving alert, or a push-to-talk when the line is busy, or wherein the one or more events of interest is a service carrier event including a passage of an increment of time allotted in

accordance with a mobile service plan; and

compiling (260) the mappings made between various events of interest and corresponding haptic effects into a haptic lookup table storable in memory (140)."

VIII. Claim 1 of the first auxiliary request differs from claim 1 of the main request in that the penultimate paragraph reads as follows:

"allowing (250) a user to associate one or more haptic effects with one or more events of interest, wherein the one or more events of interest is a sending of an outgoing e-mail, or a sending of an outgoing SMS message, or a push-to-talk ready alert, or a push-to-talk receiving alert, or a push-to-talk when the line is busy, or a passage of an increment of time allotted in accordance with a mobile service plan; and".

IX. Claim 1 of the second auxiliary request reads as follows (paragraph numbers added by the board):

- 1) "A method for mapping between an event of interest and a corresponding haptic effect, comprising:
- 2) providing (240) a plurality of pre-programmed haptic effects to a user;
- 3) allowing (250) the user to associate one or more haptic effects with one or more events of interest; and
- 4) compiling (260) the mappings made between various events of interest and corresponding haptic effects into a haptic lookup table storable in a memory (140);

- 5) characterized in that the method further comprises:
- 6) receiving (210, 310, 510) an input signal associated with an event of interest;
- 7) extracting (320) a haptic code included in the input signal;
- 8) outputting (230, 330, 530) a control signal based at least in part on the haptic code, to an actuator (130), the control signal being configured to cause the actuator (130) to output the haptic effect;
- 9) and/or in that the method further comprises:
- 10) receiving (410) an input signal associated with an actuation of a user-interface member;
- 11) determining (420) a haptic code associated with the actuation of the user-interface member;
- 12) including (430) the haptic code in an output signal and sending the output signal to a remote handheld communication device."

### **Reasons for the Decision**

1. *Claim 1 of the main request - clarity (Article 84 EPC)*
  - 1.1 The feature "wherein the one or more events of interest is a service carrier event including a passage of an increment of time allotted in accordance with a mobile service plan" has no clear technical meaning. In

particular, the term "mobile service plan" does not have a well-recognised meaning in the art. Consequently, it is unclear what is meant by "a passage of an increment of time allotted in accordance with a mobile service plan". It is also unclear in this respect how "a passage of an increment of time" can constitute an "event of interest".

- 1.2 For these reasons, claim 1 of the main request lacks clarity (Article 84 EPC).
- 1.3 The board notes that this objection was already raised in the board's communication, but was not addressed in the appellant's response.
- 1.4 The board concludes that the main request is not allowable.
2. *Claim 1 of the first auxiliary request - clarity (Article 84 EPC)*
  - 2.1 The wording "mobile service plan" is also present in claim 1 of the first auxiliary request (see point VIII above). Claim 1 of the first auxiliary request therefore lacks clarity for the same reasons as set out in point 1 above (Article 84 EPC).
  - 2.2 The first auxiliary request is therefore not allowable either.
3. *Claim 1 of the second auxiliary request - Article 123(2) EPC*
  - 3.1 As regards claim 1 of the second auxiliary request, the board notes that the features according to the first

four paragraphs of claim 1 are based on claim 1 as originally filed.

- 3.2 However, for the reasons set out below, the combination of these features together with the features set out in the characterising portion, when considering the "and" option in the "and/or" conjunction, is not directly and unambiguously derivable from the application as filed.
- 3.3 The features in the last three, i.e. tenth to twelfth, paragraphs of claim 1 are based on paragraph [0056] of the description (reference is made to the application as published). This paragraph discloses the steps of determining a haptic code in a received input signal which is associated with the actuation of a user-interface member by the user, and of sending the haptic code in an output signal to a remote handheld communication device. Thereby, as further described in paragraph [0055], a user ("Alice") at a local handheld communication device can transmit a haptic code associated with e.g. a "laugh" sensation in a chat session to the user ("Bob") of the remote handheld communication device.
- 3.4 The last sentence in paragraph [0055] refers to paragraph [0051] as regards the generation of the haptic effect based on a haptic code at the remote handheld communication device, which is understood by the skilled person as a reference to the last sentence in paragraph [0051] relating to step 330, i.e. the generation of a control signal for an actuator causing the actuator to output the haptic effect. Hence, paragraphs [0055] and [0056] and the last sentence of paragraph [0051] provide a basis for the feature in the eighth paragraph of claim 1 in combination with the features in the tenth to twelfth paragraphs.



Further, it is implicit from paragraph [0055] that a haptic code is extracted from the input signal at Bob's mobile communication terminal, thereby providing a basis for the feature in the seventh paragraph of claim 1 in combination with the features mentioned above.

3.5 However, the feature in the sixth paragraph of claim 1, i.e. "receiving (210, 310, 510) an input signal associated with an event of interest;" is not directly and unambiguously derivable from the application as filed in combination with the features mentioned above. In this respect, the board notes that the second and third sentences in paragraph [0051] disclose that an input signal is received and that a haptic code is extracted. However, the input signal considered in this paragraph is not associated with an event of interest, but specifically with a status event. Further, the haptic code extracted from the input signal is specifically associated with a haptic logo. The feature in the sixth paragraph of claim 1, which is more general, cannot therefore be based on the above-mentioned paragraphs. A basis for this feature in combination with the other features of claim 1 in other parts of the application as filed could not be found either.

3.6 The board therefore concludes that the method of claim 1 is not directly and unambiguously derivable from the application as filed. Claim 1 therefore does not comply with Article 123(2) EPC.

3.7 The second auxiliary request is thus not allowable.

4. There being no allowable request, it follows that the appeal is to be dismissed.
5. *Request for reimbursement of the appeal fee*
  - 5.1 The appellant, referring to Rule 103(1)(a) and (2) EPC, requested that the appeal fee be reimbursed. As noted in the board's communication, the appellant did not give any reason in support of this request.
  - 5.2 The board notes that a prerequisite for a reimbursement pursuant to Rule 103(1)(a) EPC is that the appeal is allowable, and for a reimbursement pursuant to Rule 103(2) EPC that the appeal is withdrawn (in time). Since neither of these prerequisites is met and the appellant did not give any other reason, it follows that the request for reimbursement of the appeal fee is to be rejected.

## **Order**

### **For these reasons it is decided that:**

1. The appeal is dismissed.
2. The request for reimbursement of the appeal fee is rejected.

The Registrar:

The Chairman:



G. Rauh

F. van der Voort

Decision electronically authenticated